

O R I G I N A L

Jorge E. Viramontes # 40456-039
 FCI - Mendota
 P.O.Box 9
 Mendota, CA 93640

Defendant.

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF MICHIGAN

FILED
 MAR 30 2015
 CLERK'S OFFICE
 U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE E. VIRAMONTES,

Defendant.

FLINT DIVISION

*

CASE NO.: 07-CR-20068-2

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MOTION REQUESTING APPOINTMENT OF COUNSEL
 UNDER THE CRIMINAL JUSTICE ACT, PURSUANT
 TO 18 U.S.C. § 3006A, BY A FEDERAL
 PRISONER.

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TO THE ABOVE ENTITLED COURT, THE UNITED STATES ATTORNEY'S OFFICE, AND THE FEDERAL DEFENDER'S OFFICE, FOR THE DISTRICT OF EASTERN MICHIGAN: GREETINGS!

COMES NOW, Jorge E. Viramontes (hereinafter the "Defendant"), who hereby respectfully moves this Honorable Court for an appointment of counsel under the Criminal Justice Act, pursuant to 18 U.S.C. § 3006A.

The Defendant is currently in the custody of the Federal Bureau of Prisons (F.B.O.P.) serving the sentence imposed pursuant to the judgment and commitment of this Honorable Court in the above numbered case matter.

The Defendant has been in federal custody since: 02-09-2007, and is presently serving a sentence of three hundred and twenty seven (327) months in the F.B.O.P.

Due to the Defendant's lengthy period of imprisonment, he has no resources nor ability to obtain private counsel to assist him with preparation of a motion for a reduction of sentence based on New Rule of Law, pursuant to 18 U.S.C. § 3582(c)(2), under the newly amended United States Sentencing Guidelines - Amendment 782.

The Defendant is a "Layperson" and untrained in the science of law, therefore

will be at an unjustly disadvantage if left on his own to file his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The Defendant does meet the criteria and qualifications necessary to seek remedy under the new Retroactive Reduction in Drug Trafficking Sentences that was unanimously approved by the United States Sentencing Commission, and became effective on November 1, 2014. However, the Defendant lacks the necessary skills and language tools required to prepare the necessary motion to request for a reduction of his current sentence imposed by this Court. Without the assistance of competent counsel, the Defendant will be left to navigate the complexities of the legal system alone, which would amount to a manifest injustice.

The Defendant respectfully requests an Order appointing counsel to assist him in preparation of a Motion for Reduction of Sentence, pursuant to 18 U.S.C. § 3582(c)(2), to maintain the integrity of justice, and to effectively and properly prepare the forementioned motion for reduction in sentence.

WHEREFORE, the Defendant, Jorge E. Viramontes, hereby respectfully moves this Honorable Court for an appointment of counsel under the Criminal Justice Act, pursuant to 18 U.S.C. § 3006A, to assist him with his necessary court filings under the newly amended U.S.S.G. - Amendment 782.

Respectfully Submitted,

DATED: 03-25-2015


JORGE E. VIRAMONTES, Defendant.

CERTIFICATE
OF SERVICE

State of California)
County of Fresno)

I, Jorge E. Viramontes, hereby certify that I have served a true and correct copy of the attached: MOTION REQUESTING APPOINTMENT OF COUNSEL UNDER THE CRIMINAL JUSTICE ACT, PURSUANT TO 18 U.S.C. § 3006A, BY A FEDERAL PRISONER.,

by placing the same into a sealed envelope with First-Class postage fully pre-paid, addressed to: UNITED STATES ATTORNEY'S OFFICE
DISTRICT OF EASTERN MICHIGAN
600 CHURCH STREET
FLINT, MI 48502

FEDERAL DEFENDER'S OFFICE
EASTERN MICHIGAN DIVISION
600 CHURCH STREET
FLINT, MI 48502

and by delivering the same to prison officials at FCI - Mendota Mailroom for processing utilizing the "Special Mail" procedures.

It should be noted that utilization of "Special Mail" procedures under - - - Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed 2d 245 (1988), service is deemed filed on the date that it was delivered to prison officials for delivery to the United States Postal Service.

I, Jorge E. Viramontes, declare under the penalty of perjury that the foregoing is true and correct, based upon my own personal information, knowledge, and beliefs.

DATED and EXECUTED this 25th day of March, 2015,
in the City of Mendota, County of Fresno, State of California.

Respectfully Submitted,


JORGE E. VIRAMONTES, Defendant.

JORGE E. VIRAMONTES # 40456-039

FEDERAL CORRECTIONAL INSTITUTION - MENDOTA

P.O. BOX 9

MENDOTA, CA 93640

26 MAR 2015 PM 2 L
FRESNO CA 932

"SPECIAL MAIL "

R E C E I V E D

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MAR 30 2015

U.S. DISTRICT COURT
FLINT, MICHIGAN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
600 CHURCH STREET, 1st FLOOR
FLINT, MI 48502



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FEDERAL CORRECTIONAL INSTITUTION, MENDOTA

P.O. BOX 9

MENDOTA, CA 93640

DATE: 3-30-15

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